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Tadashi Umeda
2-11-3 Matsudo-cho
Hitachinaka City 3/2-0-016 JP JAPAN

OFFICE OF PETITIONS

In re Application of :
Tadashi Umeda. : LETTER
Application No. 10/603,854 :
Filed: June 26, 2003 :
Attorney Docket No. :

Reference is made to the petition under 37 CFR 1.137(a), filed May 31, 2005. The petition will be treated as request for an extension of time within the first month.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The request for an extension of time within the first month is granted.

A review of the application reveals that a non-final office action was mailed on January 6, 2005, allowing a shortened statutory period for response of three months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A reply was filed on April 5, 2005. On April 18, 2005, a Notice of Non-Compliant Amendment was mailed allowing a period of response of one (1) month from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). An amendment was filed with the instant petition on May 31, 2005.

Applicant is advised that period of reply to the Notice of Non-Compliant Amendment is extendable to six months after the mailing date of the notice pursuant to 37 CFR 1.136(a). Because the maximum period for reply has not yet expired, the application cannot yet be considered abandoned. There is no remedy that can be provided pursuant to 37 CFR 1.137(a), accordingly. Instead, the petition under 37 CFR 1.137(a) is considered a request for an extension of time within the first month making the amendment filed May 31, 2005, timely. The fee for the extension of time within the first month is \$60.00 (small entity). The fee will be taken from the \$250.00 petition fee remitted and applicant will be refunded \$190.00, in due course.

The application file is being directed to Technology Center 2800, GAU 2835 for further processing.

Questions regarding this communication may be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions